IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

TUESDAY, THE 16TH JANUARY 2007 / 26TH PAUSHA 1928

WP(C).No. 23412 of 2004(K)

PETITIONER:

K.C.ANTONY,
CONTRACTOR, KAITHAKKAL HOUSE,
CHEMMALAMATTOM KARA & POST, MEENACHIL TALUK.

BY ADV. SRI.P.KURUVILLA JACOB

RESPONDENTS:

1. **THE EXECUTIVE ENGINEER,**
   IRRIGATION DIVISION, KOTTAYAM.

2. **THE ASSISTANT ENGINEER,**
   IRRIGATION SUB DIVISION, KUMILY.

3. **THE ASSISTANT EXECUTIVE ENGINEER,**
   IRRIGATION SUB DIVISION, THODUPUZHA.

4. **THE CHIEF ENGINEER,**
   IRRIGATION DIVISION, NEAR MUSIUM,
   THIRUVANANTHAPURAM.

*** ADDL.RESPONDENT NO.5 IMPLEADED**

***5 KACPB. EXECUTIVE ENGINEER (IRRIGATION DIVISION),**
OFFICE OF THE DISTRICT PANCHAYATH,
PAINAVU POST, IDUKKI DISTRICT
IMPLEADED AS ADDL. RESPONDENT NO.5 AS PER ORDER DT.14.12.04
IN IA. NO.16383/04.

BY GOVERNMENT PLEADER SMT.SMITHA SUKUMARAN
SRI.BABU JOSEPH KURUVATHAZHA. ADDL.R5
SRI.K.I.SAGEER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 16/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

W.P.(C) NO. 23412 OF 2004-K

JUDGMENT

The petitioner has approached this Court, praying for a direction to respondents 1, 3 and 4 to pay the amount due under his bill dated 26.2.2003, relating to the work covered by agreement No.41/EE/02-03 dated 28.10.02. The petitioner submits, the work was completed in time and the measurements were entered in the M Book. But, because of his failure to meet the unlawful demands made by the additional 5th respondent , the payment of the bill was delayed.

2. The additional 5th respondent has filed a counter affidavit, denying the allegations against him.

3. During the pendency of the writ petition the amount due to the petitioner has already been released in 2006. He claims interest for the period the amount was withheld unjustifiably. If the petitioner is aggrieved by the delay in paying the bill and according to him, if the delay is unjustified, he may move the competent civil court claiming compensation against the State and the officers responsible for the same. He may also claim interest.

Subject to that right, the Writ Petition is closed, as the principal amount has already been paid.

16th January, 2007. K.BALAKRISHNAN NAIR, JUDGE.

Nm/